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## Quapaws may join royalties lawsuit

### Indians' attorney alleges 'sweetheart deal' existed

By Gary Garton

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QUAPAW, Okla. - An attorney working on behalf of the Quapaw Tribe of Oklahoma is asking tribal members to scour family records for documents relating to the management of trust land in connection with a lawsuit that has been filed against the U.S. Department of the Interior.

Jason B. Aamodt of Tulsa met with tribal leaders this week to update them on the progress of a lawsuit filed last February asking for a true and accurate accounting of Department of the Interior and Bureau of Indian Affairs management of an estimated \$4 billion in revenue from lead and zinc mining on Indian land from 1910 to the 1950s.

Suits filed by the Quapaw Tribe and the Seminole Nation are asking for federal records to trace the management and distribution of royalties from mining and oil production. Mining companies leased Quapaw land from the BIA for lead and zinc mining in Ottawa County, and land from the Seminole Nation in central Oklahoma for oil and natural-gas drilling.

Mining leases were granted with royalties from the profits to be paid to the individual landowners. The BIA has collected royalty payments from the companies and distributed checks to the landowners.

The Quapaw lawsuit alleges funds were mismanaged and landowners did not receive their rightful royalties.

"The mining companies and the Bureau of Indian Affairs had a real sweetheart deal going," Aamodt told those who met Wednesday at the tribe's headquarters in Quapaw. "The government did not hold the companies to the bonds they had to post for reclamation work once the mining was over."

John Berry, tribal business committee chairman, said the end results are the environmental quagmire that has become the Environmental Protection Agency's Tar Creek Superfund site, and the millions of tons of chat left on Indian land.

"The companies did not have to clean up the chat and put it back in the ground as they did in other places, and the BIA even charged allotment owners 5 percent of their royalties for managing the accounts, which is what they were supposed to be doing in the first place," Berry said.

In 1994, Congress passed the American Indian Trust Fund Reform Act. Efforts by the Department of the Interior to account for its management of revenue from national resources on Indian land had focused on 1973 to the present. Aamodt said that as a result of the act, the department hired a contractor to do a reconciliation of the accounts from 1973 to 1995.

"The contractor hired was Arthur Anderson LLP, the same fine folks who were doing the bookkeeping for Enron," Aamodt said. "They only did a reconciliation, which is like balancing your checkbook, not a full accounting.

"We are asking for a full accounting all the way back to 1835, and there are records available to document everything we want, but they're scattered."

Documents relating to the Quapaw Tribe were moved at some point from the Miami Agency of the BIA to a document repository in Fort Worth, Texas. From